

27588. Frozen whiting. (F.D.C. No. 46273. S. No. 70-718 R.)

QUANTITY: 384 cases, 10 5-lb. ctns. each, at Gloucester, Mass.

SHIPPED: The article was prepared and packed from fish caught in the waters of the Atlantic Ocean outside the territorial limits of Massachusetts on or about 7-24-61.

LIBELED: 8-23-61, Dist. Mass.

CHARGE: 402(a)(3)—contained decomposed fish while held for sale.

DISPOSITION: 10-9-61. Default—delivered to a public institution for use as animal feed.

27589. Frozen whiting. (F.D.C. No. 46189. S. No. 70-706 R.)

QUANTITY: 540 cases, 12 1½-lb. ctns. each, at Gloucester, Mass.

SHIPPED: The fish were caught outside the territorial waters of Massachusetts, and delivered to Gloucester, Mass., about 6-28-61.

LABEL IN PART: (Ctn.) "Booth Frozen Headless Whiting * * * Packed By Booth Fisheries Corp. * * * Chicago, Ill."

RESULTS OF INVESTIGATION: The article was prepared and packed into cartons by Booth Fisheries Corp., Sunlight Div., Gloucester, Mass.

LIBELED: 7-26-61, Dist. Mass.

CHARGE: 402(a)(3)—contained partially eviscerated fish and decomposed fish while held for sale.

DISPOSITION: 10-9-61. Default—delivered to a public institution for use as animal feed.

27590. Frozen cooked crabs. (F.D.C. No. 45104. S. Nos. 25-593/4 R.)

QUANTITY: 636 ctns., each containing 6 frozen cooked crabs, each crab enclosed in a plastic bag, at Los Angeles, Calif.

SHIPPED: 4-15-60 and 5-31-60, from Westport, Wash., by Washington Crab Producers, Inc.

LABEL IN PART: (Bag) "Sea Rock Brand Dungeness Crab * * * Distributed by Washington Crab Producers, Inc., Westport, Washington 1 Lbs. 12 Ozs. [and other weights]."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 11-23-60, S. Dist. Calif.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 7-11-61. Consent—claimed by Los Angeles Cold Storage Co., Los Angeles, Calif., and relabeled.

FRUITS AND VEGETABLES

CANNED FRUIT

27591. Maraschino cherries. (F.D.C. No. 46293. S. Nos. 53-924/5 R.)

QUANTITY: 93 cases, 24 jars each, at Minneapolis, Minn.

SHIPPED: Between 12-27-60 and 6-8-61, from Chicago, Ill., by W. O. Sommers, Inc.

LABEL IN PART: (Jar Lid) "So-Li-Cious Maraschino Cherries. PACKED by W. O. Sommers, Inc., Chicago, Ill. Net Wt. 4 oz. Contains."

RESULTS OF INVESTIGATION: Examination showed the packers name and place of business and statement of ingredients to be printed on the label in type so small as to be difficult to read.

LIBELED: 8-18-61, Dist. Minn.

CHARGE: 403 (f)—when shipped, the information required to appear on the label within the meaning of 403 (e) (1) and (i) (2), namely, the name and place of business of the manufacturer, packer, or distributor, and the common or usual name of each ingredient, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 10-5-61. Consent—claimed by W. O. Sommers, Inc., and released under bond for relabeling.

VEGETABLES AND VEGETABLE PRODUCTS

27592. Sauerkraut. (F.D.C. No. 46248. S. Nos. 24-650/52 R.)

QUANTITY: 155 cases, 12 1-lb. 4-oz. bags each, 65 cases, 12 jars each, and 131 cases, 12 1-lb. 4-oz. bags each, at Topeka, Kans.

SHIPPED: On unknown dates, from Bear Creek and Union Grove, Wis.

LABEL IN PART: (Jar) "King's Delite Fresh Bulk Style Sauerkraut Ingredients: * * * 1 Quart King's Delite Foods, Topeka, Kansas."

RESULTS OF INVESTIGATION: Examination showed that the article in the jars was short weight. The article had been repacked into bags and jars by King's Delite Foods, Topeka, Kans., from bulk sauerkraut shipped as described above.

LIBELED: 8-15-61, Dist. Kans.

CHARGE: 402(a) (3)—while held for sale, the article (155-case and 131-case lots) contained decomposed sauerkraut; and 403(e) (2)—the article (65-case lot) failed to bear a label containing an accurate statement of the quantity of the contents, since the label statement "1 Quart" was inaccurate.

DISPOSITION: 10-2-61. Default—destruction.

27593. Sauerkraut. (F.D.C. No. 46067. S. No. 24-639 R.)

QUANTITY: 175 cases, 12 1-lb. 4-oz. bags each, at Topeka, Kans.

SHIPPED: On unknown dates from Union Grove and Bear Creek, Wis.

LIBELED: 7-7-61, Dist. Kans.

CHARGE: 402(a) (3)—contained decomposed sauerkraut while held for sale.

DISPOSITION: 9-29-61. Default—destruction.

27594. Dried pinto beans, dried Great Northern beans, and dried navy beans.
(F.D.C. No. 45973. S. Nos. 14-649 R, 14-652/3 R.)

INFORMATION FILED: 7-17-61, W. Dist. Ky., against Merchants Wholesale Grocery Co., a corporation, Louisville, Ky.

ALLEGED VIOLATIONS: Between 10-27-60 and 12-12-60, the defendants caused quantities of pinto beans, Great Northern beans, and navy beans, while held for sale after shipment in interstate commerce, to be held in a building acces-